

Article - Criminal Law

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§12-103.

(a) For money or any other thing or consideration of value, a person may not:

- (1) bet, wager, or gamble; or
- (2) play any other gaming device or fraudulent trick.

(b) (1) A violation of this section is a civil offense punishable by a fine not exceeding:

(i) \$500, if the violation involves money or any other thing or consideration of value not exceeding \$100; or

(ii) \$1,000, if the violation involves money or any other thing or consideration of value that exceeds \$100.

(2) Adjudication of a violation under this section:

(i) is not a criminal conviction for any purpose; and

(ii) does not impose any of the civil disabilities that may result from a criminal conviction.

(c) (1) A citation for a violation of this section may be issued to a person by a police officer authorized to make arrests if there is probable cause to believe that the person is committing or has committed a violation of this section.

(2) A citation issued under this subsection shall contain:

- (i) the name, address, and date of birth of the person charged;
- (ii) the statute allegedly violated;
- (iii) the date and time that the violation occurred;
- (iv) the location at which the violation occurred;
- (v) the fine that may be imposed;

- (vi) a notice stating that prepayment of the fine is allowed;
 - (vii) a notice in boldface type that states that the person shall:
 - 1. pay the full amount of the preset fine; or
 - 2. request a trial date at the date, time, and place established by the District Court by writ or trial notice; and
 - (viii) the signature of the police officer issuing the citation.
- (3) The form of the citation shall be uniform throughout the State and shall be prescribed by the District Court.
- (4) (i) The Chief Judge of the District Court shall establish a schedule for the prepayment of a fine.
- (ii) Prepayment of a fine shall be considered a plea of guilty to a Code violation.
- (5) The issuing jurisdiction shall forward a copy of the citation and a request for trial to the District Court in the district having venue.
- (6) A person may request a trial by sending a request for trial to the District Court in the jurisdiction where the citation was issued within 30 days after the issuance of the citation.
- (7) If a person does not request a trial or prepay the fine within 30 days after the issuance of the citation, the District Court may impose the maximum fine and costs against the person and find the person guilty of a Code violation for the purposes of this section.
- (8) (i) The defendant is liable for the costs of the proceedings in the District Court.
- (ii) The court costs in a Code violation case under this section in which costs are imposed are \$5.
- (d) In any proceeding for a Code violation under this section:
- (1) the State has the burden to prove the guilt of the defendant by a preponderance of the evidence;

(2) the court shall apply the evidentiary standards as prescribed by law or rule for the trial of a criminal case;

(3) the court shall ensure that the defendant has received a copy of the charges against the defendant and that the defendant understands those charges;

(4) the defendant is entitled to cross-examine all witnesses who appear against the defendant, to produce evidence or witnesses on behalf of the defendant, and to testify on the defendant's own behalf, if the defendant chooses to do so;

(5) the defendant is entitled to be represented by counsel of the defendant's choice and at the expense of the defendant; and

(6) the defendant may enter a plea of guilty or not guilty, and the verdict of the court in the case shall be:

(i) guilty of a Code violation;

(ii) not guilty of a Code violation; or

(iii) probation before judgment, imposed by the court in the same manner and to the same extent as is allowed by law in the trial of a criminal case.

(e) (1) The State's Attorney for any county may prosecute a Code violation under this section in the same manner as prosecution of a violation of the criminal laws of the State.

(2) In a Code violation case under this section, the State's Attorney may:

(i) enter a nolle prosequi or move to place the case on the stet docket; and

(ii) exercise authority in the same manner as prescribed by law for violation of the criminal laws of the State.

(f) A person issued a citation for a violation of this section who is under the age of 18 years shall be subject to the procedures and dispositions provided in Title 3, Subtitle 8A of the Courts Article.

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